

Item # _____

Prepared by: Michael Oakes
Engineering

Approved by: M. Dell Stiner
Assistant County Attorney

RESOLUTION ESTABLISHING THE MONTHLY RATE FOR THE STORM WATER USER FEE FOR THE UNINCORPORATED AREAS OF SHELBY COUNTY AND REQUESTING MEMPHIS LIGHT, GAS AND WATER DIVISION OF THE CITY OF MEMPHIS TO BEGIN BILLING CUSTOMERS AS PROVIDED HEREIN. SPONSORED BY COMMISSIONER SIDNEY CHISM.

WHEREAS, Shelby County Government (Shelby County) desires to provide effective storm water management for all the citizens of Shelby County to protect against the loss of life and property damage from flooding and to minimize to the extent practicable, negative impact of urban runoff on surface water quality; and

WHEREAS, The benefits of flood control and surface water quality extend ultimately to all citizens and businesses in Shelby County and uncontrolled storm water drainage and discharge may have a significant, adverse impact on the health, safety and general welfare of Shelby County and the quality of life of its citizens; and

WHEREAS, Shelby County is required by federal law and regulations, particularly Titles 33 United States Code (33 U.S.C. §1251, et seq.), and 40 Code of Federal Regulations (CFR) Chapter I, Parts 122.32 through 122.35, to obtain a National Pollutant Discharge Elimination System (NPDES) permit from the State of Tennessee, Department of Environment and Conservation (TDEC) for discharges from its storm water system; and

WHEREAS, Pursuant to such mandate, Shelby County has obtained a general permit, tracking number, TNS075663, for discharges from Small Municipal Separate Storm Sewer System (MS4); implemented certain storm water management practices; and established a "Storm Water Management and Pollution Control" ordinance (Storm Water Ordinance) to provide for such practices; and

WHEREAS, Article I, Section 30-1 (4) of the Storm Water Ordinance provides for sound fiscal management of the community and maintenance of a stable tax base by providing appropriate fees and other dedicated funding sources for the administration of the Storm Water Program; and

WHEREAS, Shelby County has established a source of funding to manage the Storm Water Program in the unincorporated areas of Shelby County, consistent with federal and state law, through its creation of the Storm Water Fund by Ordinance No. ____ adopted on __/__/09 by the Shelby County Board of Commissioners, which requires the storm water user fee be established by resolution; and

WHEREAS, Memphis Light, Gas and Water Division of the City of Memphis has agreed to assist Shelby County by adding the storm water user fees listed below to the water bill of all customers in the unincorporated areas of Shelby County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the storm water user fee be and is hereby established as follows:

Residential:	\$1.50 for individually-metered residential customers.
Non-Residential:	\$2.50 for all other metered customers.
Apartment Complexes:	\$1.50 for individually-metered apartment units; or \$2.50 per meter if multiple users on a single meter.

BE IT FURTHER RESOLVED, That the Shelby County Mayor be and is hereby authorized to negotiate and enter into an agreement with MLGW for the purpose of collecting the storm water fee and execute documents and agreements necessary to effectuate said agreement.

BE IT FURTHER RESOLVED, That the Memphis Light, Gas and Water Division of the City of Memphis (MLGW) be and is hereby requested to add the storm water user fee to the monthly utility bills for all customers in the unincorporated areas of Shelby County as provided for herein.

BE IT FURTHER RESOLVED, That MLGW shall begin collecting the storm water user fee as soon as practicable following the execution of the necessary collection agreement.

BE IT FURTHER RESOLVED, That this resolution shall take effect upon execution hereof by the Shelby County Mayor, the public welfare requiring it.

A C Wharton, Jr., County Mayor

Date

ATTEST:

Clerk of County Commission

Adopted _____

SUMMARY SHEET

I. Description of Item

This resolution establishes a monthly rate for the storm water user fee associated with the management of storm water in unincorporated Shelby County as required by Ordinance No. ____ adopted on __/__/09 by the Shelby County Board of Commissioners. MLGW will be notified by copy of this resolution to begin billing customers for the storm water user fee. A 2.0% collection fee will be charged by MLGW to provide this service.

II. Source and Amount of Funding

Revenue will be generated to fund the federally mandated Shelby County Storm Water Program. The Storm Water Fund will generate approximately \$700,000 in annual revenue.

III. Additional Information Relevant to Approval of This Item

Shelby County is required by federal regulations to acquire a National Pollutant Discharge Elimination System (NPDES) permit and comply with water quality standards and initiatives within said permit. Shelby County's Storm Water Program is formally evaluated at the end of each fiscal year by the Tennessee Department of Environment and Conservation (TDEC). The County has successfully completed its first five-year cycle required under the current permit and will begin another five-year cycle under a new, more stringent permit after passage by the state.

In order to fund the necessary programs and activities to meet the federal mandates for storm water quality, a monthly user fee of \$1.50 for residences and individually-metered apartments and \$2.50 for apartments with multiple users of a single meter, commercial, industrial or other non-residential uses is being proposed. This fee schedule would generate approximately \$700,000 annually to fund such activities as storm drainage system management, construction and maintenance, pollution and flood control, enforcement of federal and state storm water regulations, detection and elimination of illicit discharges, education and public outreach, and provide a reserve fund for related capital improvement projects. To date four municipalities in the Shelby County metro area have adopted storm water user fee; City of Memphis, Town of Collierville, the City of Millington and the City of Lakeland. These rates are below those of the listed municipalities and the state-wide average.